

LAKE COUNTY PLANNING BOARD
June 9, 2010
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Fred Mueller, Sigurd Jensen, Steve Rosso, Janet Camel, Brian Anderson, Brad Trosper

STAFF PRESENT: Tiffany Lyden, Joel Nelson, Lita Fonda (from 8:30)

Bob Kormann called the meeting to order around 7:00pm, after the Board of Adjustment moved to the neighboring room. Agenda order was changed.

LAKESHORE REGULATIONS UPDATE

Tiffany Lyden, the Lake County Lakeshore Planner, spoke about updating the Lakeshore Protection Regulations. She handed out an outline of Background and Proposed Timeline. (See attachments to minutes in the June '10 meeting file for handouts.) She spoke at a map about the purpose of protecting the lakeshore zone and explained the history and jurisdiction. She spoke of the Tribal jurisdiction for the lake itself on the Reservation. Janet mentioned the Tribes go 2 feet above high water mark. Tiffany noted the number of permits was just under 100 per year, down from roughly 130 per year. She explained the interaction between the staff and the Commissioners. In most zoning districts, a 50' vegetative buffer followed or complimented the lakeshore standards.

Tiffany touched on the purpose of the update, as listed on the outline. Steve Rosso asked what items are not currently addressed. Tiffany explained that the only structures addressed in the regulations were boathouses and living areas. Pumphouses, gazebos and sheds were not mentioned. Retaining wall provisions were only for sea walls. The update could address walls up on the land. Steve referred to the vegetation removal section. He said some people would like to revegetate.

Tiffany referred to the timeline. They would try for a couple of meetings. July and August might suffice, but if not they'd do more meetings. A public hearing at the Planning Board would follow and then there would be a public hearing with the Commissioners. Bob said this was based on whether a meeting was already scheduled.

Bob asked how the Shoreline Protection (Tribal) regulations were different. Tiffany replied that mainly they don't address the land. They follow a similar format. Janet suggested making a table of differences to show the differences.

Tiffany discussed design standards for specific projects versus all projects. She referred to the second page list of projects with specific standards.

Bob asked about a dock with a boathouse. Would someone need to get a permit for both? Tiffany affirmed. The regulations also address crossing the lakeshore protection zone for access. Bob mentioned boat ramps as impervious surfaces. Were ramps allowed? Tiffany said the regulations discussed boat ramps. Tribal regulations include distance to public ramps. Tiffany

discussed the impacts of boat ramps. She could not recall the Flathead County stance. For aquatic invasive species, boats were the primary carriers. There were many private boat ramps. She was working on a recommendation.

Bob asked about the storm runoff problem. Tiffany said the lakeshore regulations discuss conditions with sediment, phosphorus, pesticides, fines and so forth, and the maximum amount of impervious surface.

Fred asked how strip boat ramps were addressed, such as at Lake Mary Ronan. Tiffany asked if this was at the state park. The regulations discussed less impervious coverage, reducing runoff, etc. Fred mentioned erosion under ramps. Tiffany described Canyon Ferry Lake's use of a bioengineered landing, instead of concrete.

Steve asked if in the effort for consistency with lakeshore regulations, if someone from Flathead County was involved. Tiffany affirmed. Steve asked if all three agencies, or at least two, would happen at the same time. Tiffany said we were behind, and could start. The regulations would be sent out to other agencies for input. She highlighted minimizing differences. She mentioned dock wings and measuring docks. They would not be completely consistent.

Janet asked about the 2' overlap in jurisdiction. Tiffany said the Tribal shoreline regulations refer to the high water mark. She continued to speak on the purposes of the regulations, and referred to the table of contents.

Public comment opened:

Jerry DaQuin: He said for boat landings that cross County and Tribal jurisdiction, it would be good to be consistent.

Mike Maddy: He thought the biggest regulatory issue was villa sites, and angles or interpretations of Tribal versus County.

Marc Carstens: He weighed in on the ways of determining riparian boundaries. Perpendicular was the easiest. He referenced a 'Round Lake' manual from BLM. He thought he could get one.

Mike Maddy: He said Jim (at the Tribe) splits the difference, but the County was probably more open to lawsuits.

Some discussion followed.

Mike Maddy: He thought 25' lots were small, and it was difficult to deal with docks on these small lots.

Public comment closed.

MINUTES

Motion by Steve Rosso, and seconded by Fred Mueller, to approve the February 10, 2010 meeting minutes. Motion carried, all in favor.

Motion by Steve Rosso, and seconded by Fred Mueller, to approve the October 21, 2009 field trip meeting minutes. Five in favor (Bob Kormann, Fred Mueller, Sigurd Jensen, Steve Rosso, Brian Anderson), 2 abstained (Brad Trospen, Janet Camel).

HIDDEN CANYON LOOKOUT MAJOR SUBDIVISION

Joel Nelson presented the staff report. (See attachments to minutes in the June '10 meeting file for staff report.) Bob K asked for clarification of what lots were affected by variance #1. Marc showed the lots on the displayed map and explained their rationale. Joel continued with the staff report. He handed out public comment received from Tamarack of the Wildwoods Landowners Association, and read from it.

Bob K highlighted the Board would need to vote on 4 individual variances, and that the developer is looking at 8 lots and the County is looking at 7 lots. He asked if the open areas were deeded to the Homeowners Association. Joel said that this appeared to be the proposal.

Janet asked about stormwater and if there were provisions for vehicle safety next to a ditch. Joel replied there were no standards and the developer was not proposing slide-off provisions. Marc explained the engineering was shared between him and Bryan Long. This issue was to be addressed by Bryan Long. Bob Bonner said they talked about putting boulders there. Marc C said they would accept that as a condition.

Steve asked about minimum radii under the recommendation and some history on those, and how they compared to other subdivisions. Joel said these were probably from ASHTO standards based on design speeds. Recently the County has looked at that more specifically. He recalled going as low as 25 to 30 feet for a centerline curve radius in the past. Steve noted the 302' and also the 20 mph speed limit. Would this entire subdivision have 20 mph speed limits rather than 30? Joel described one sign shown close to the highway after the first curves, and another in the canyon. It was posted along the main road, but no signage was shown for the spur road. Steve thought if you were going around the corner at 30 mph, you'd have a hard time stopping before the end of the road.

Steve mentioned emergency services and comments from Polson. Rollins was covered by the Lakeside Quick Response unit district, which provided emergency response and ambulance service for basic life support calls in that area. He didn't think comments had been requested from the unit. Like Bigfork, the Lakeside ambulance service crossed the County boundary. The district for the Lakeside Quick Response was both the Somers Fire District and the Rollins Fire District. Steve said he'd be glad to address that, since he happened to be president of the Lakeside Quick Response Unit. He didn't think there would be an issue with the provision of service in this subdivision.

Steve wondered about some of the FWP (Fish, Wildlife and Parks) restrictions, such as fruit trees and vegetable gardens. Was there an option to have a fenced garden and trees, or was the

suggestion not to allow them? Joel said the comment from FWP was perplexing and read the section from their letter. It didn't appear that FWP intended to prohibit orchards or fruit trees, but the letter said they were not allowed for landscaping. He guessed that they didn't want to see a prohibition of orchards or agriculture, and were addressing excess fruit-bearing trees and shrubs for landscaping. Hopefully they could get the covenants to more accurately reflect what was recommended by FWP in a manner that makes sense. Bob B thought a few trees or garden area within a fence would be okay. Marc thought that section of the covenants could use some more words. He said they would accept a condition to revisit this and to spell it out more clearly.

Janet asked about the arrows for storm drainage and some triangles shown on the plat. Marc explained those were angle points. Janet asked about the plans for surface water runoff on that road. It was eroding very quickly. Was this addressed? Joel replied that this was addressed for the main road, Hidden Canyon Lookout Lane, but not for the spur road.

Steve referred to the last part of #6 on pg. 52, in the last bullet about a T-turnaround. He couldn't follow the wording. Could that be straightened out? Joel said this was an area with a sharp curve and steep slopes, and if, for instance, lot 6 was dropped, the curve wouldn't be needed and T-turnaround would have to be provided elsewhere. Steve summarized that if lots 5 and 6 were combined or lot 6 was eliminated, a T-turnaround needed to be provided on lot 5.

Steve asked for clarification about #12 on pg. 53 regarding roads open to the public and dedicated for access to public service providers, compared to #16 which talks about the private road. Joel clarified the roads would be privately maintained roads that were open to the public. This would include both the main and spur roads.

Steve asked about #26 on pg. 55, which recommended trees be planted. Brad and Joel said this was for the eagles and the eagle plan. Bob B said this was to block the eagles' view of traffic along the road. Marc said this was worked out with Herrera and FWP. Janet asked if the trees could be specified as fire-resistant trees, given the fire area. She said DNRC had a whole printout of fire-resistant shrubs and trees. Marc said they were trying combine care with fire safety with the primary purpose of the shield which was for the eagles. They needed to pick a tree with fire-hardy traits but also suitable for a shield. The trees selected had to be compatible with the FWP agreement and the eagle management plan. He was willing to take it to FWP but he was hesitant to accept changes that might degrade the eagle management plan. Janet suggested a condition that included if it was acceptable to FWP. Marc said that would be acceptable. He didn't want to speak for FWP.

Marc Carstens spoke on behalf of the applicant. He introduced Bob Gordon, a civil engineer working with his firm. They've taken a year off from the hearing process, and utilized more professionals in planning, as they were instructed. A lot of civil engineering went into the project. The agreement with Herrera and FWP [regarding the eagles] was the first one of its kind for Montana.

The biggest concern Marc highlighted was the loss of lot 4, 5 or 6. Bob G developed a number of different road plans. Marc thought staff would call him about the various plans. The design that Bob Gordon thought was best was the one brought on the plat. The downside of that design

was the steeper grades. There was one section of 19% for 27'. Then it went into a vertical curve and started to reduce to 14% and 15%. It was a good road as far as the amount of impact on the earth surface. The cuts and fills are not particularly extreme. Another compounding factor was the eagle perch tree. A road could be put near it per FWP but the tree could not be disturbed, and that was where the best grade was. He touched on the various situations his office worked out trying to contemplate an access road into the lot 4, 5, 6 complex. In conversations with the staff after the staff report came out, he concluded that road AR # 3 would be best, as covered in a letter that had been handed out to the Board. (See attachments to minutes in the June '10 meeting file for handout). It had good clearance of the perch tree and a lesser grade overall. It does have some pitches of grade that are 14% or 15% near the first driveway, which he showed on the map. Also in another location he showed, the slope was in excess of 15%. If they were to adjust the road by about a foot and a half, up on one end and down on the other, they could bring both grade issues under 14% and less than a hundred feet in distance, to make it a very passable road. That would be consistent with variances the Board has passed on this caliber of road in the past. He thought it would alleviate the staff concern over the ability to maintain this number of lots. Bob K asked if Marc was mainly addressing variance #3 that dealt with grades. Marc affirmed.

Marc talked about curve radius. The radii of these curves were slightly greater than those on the main road. He referred again to his letter, and the first five items on it. He explained super elevation on a curve, which was where the outside lifts up, like a banked track used for races.

Marc requested that they be able to maintain lots 4, 5 and 6, given the mitigations for the radius and the slope. They could not look exactly as they looked where Marc indicated, since staff didn't like the variance of easements cutting through the lots. He suggested a condition that would state the road for lots 4, 5 and 6 be amended to AR #3 as proposed tonight with alterations as discussed for grade and mitigations for curve radius and grade. The lot line for lots 4, 5 and 6 would be adjusted so the lot line was consistent with the centerline of the proposed roadway.

Brian asked to what size lot 5 would be dropped. Marc showed some of the possible adjustments on the map. He could achieve an equal area adjustment.

Fred asked why this wasn't worked out prior to coming to the Board. Marc said he got his information to the Planning staff just in time for the deadlines. He called Joel after he got the staff report. Staff chose to author what they felt was proposed. He had proposed a number of different designs that could have been discussed previously. For whatever reason, this didn't happen. He acknowledged that staff authored an answer to the lead design.

Fred asked if this could be postponed until this was straightened out. Marc preferred to move forward if at all possible. They had the data, road computations, alignment computations, and he could make an equal area adjustment. He would be willing to accept a condition saying that. He shared Fred's frustration. He would like to go forward if at all possible. The Board had expended a great deal of time and effort. Staff was almost invisible behind his pile of information. This had gone on quite a while. He thought the answers were at hand.

Fred asked if there has been any more construction. Marc said there had not been.

Marc moved on to additional points. He said that Bob Gordon could answer questions on driveways. On condition #12, public service providers had to be able to access the road, but they wanted to control traffic and have minimal public. They would like to be able to post 'private road' signs.

Marc said condition #25 pertained to the Miller fire report. A professional forester did the report very early in the review cycle. It brought up the question of whether or not this project was in a hazardous fire area. DNRC gave a rating of moderate since that time. Another issue he had with the Miller fire report was that some of the fire prevention suggestions ran counter to the eagle management plan. The eagle management plan also spoke to forest management: any activity done in the common areas must be done in conjunction with the biologist and a forest manager. He requested that the references to the Miller fire report be set aside; he thought it had been superseded with other activities.

Marc thought condition #42 was subjective, using terms such as sharp turns and steep grades. He thought staff agreed with him that driveways should be designed by a civil engineer. As a criteria, they'd discussed using passenger cars up to light delivery vehicles. Not all fire trucks could get in, but the most arduous driveways were actually fairly close to the road.

Steve checked that Marc questioned the need for condition #42. Marc said no; he questioned the use of subjective language. Bob K asked if Marc wanted #25 to go away. Marc affirmed. Bob K asked what he suggested for rewriting #12. Marc didn't know. He understood it had to be open to the public, but wanted it clarified by stating that posting the road as private road would be allowable. Steve thought a sign saying 'privately maintained' would be okay. Bob K thought the Board probably would defer to the staff to work that out with the developer. Steve suggested that they say on the sign that there's no access to state lands. Marc thought that was a good idea. Steve thought this would please DNRC.

Fred referred to Bob Miller's report. There was going to be a forest thinning project joined with the state at one point. Was this done? Marc said it was not. An attempt was made, but at some higher level, the decision was made not to go forward with that. When the opportunity came around again, they would be there again. Steve asked if there'd been thinning done since Chris White worked in there. Marc didn't think so.

Steve mentioned when the spur road configuration was decided, they could adjust property lines between lots 5 and 6 to prevent an easement from bisecting a property. What about lots 8 and 10? Marc said they would like to be able to go forward with that variance, which was a Board decision. He and staff had different opinions. Steve checked that if those parts of lots 8 and 10 on the north side of the road were just a bigger part open area #1, then that's satisfied. No one can build in the open area. Marc agreed no one could build in the open area; not just anyone could go trim a tree out of the open area either. The ownership was held with the homeowners association and predicated with the need to receive biological and forestry review before something happens.

Steve asked if the owner could clear-cut those parts of lots 8 and 10 for the view. Marc replied they would be happy to maintain the forestry and biological review of what happens on that side of the road. For instance, if the owner of lot 8 wants a tree removed that no eagle is sitting on and that a forester will say is not necessary for forest health, if people sitting on the Board didn't like him, they could prevent him from improving his view. Bob B said they were asking for the variance because in many locations you wouldn't want people walking back and forth across the street and get hit by a car. He thought the concept behind the regulation was to minimize traffic between those two parts of the lot. Bob B thought there was no reason people would walk back and forth across the road to those. Joel asked if there was a proposed prohibition of building on the north side of the road. Marc replied they proposed the only building site on each lot. They hadn't considered building on the other side. They would accept a prohibition. Joel thought this would prevent garages, gazebos, tree houses and so forth. Steve and Bob B referred to the steep slopes over there.

Steve addresses a concern of the Tamarack of the Wildwood Landowners Association. He asked why lots 2, A1 and 3A1 did not have individual wells. Marc said he had to pull the DEQ approval on that. Sharing one well between two lots was very common, and fit under the same definition of an individual well. He thought the Tamarack concerns were part and parcel of the DEQ review. After this [County] review, the applications go to DEQ review. They had to drill a well to prove water availability for the boundary line adjustment. The law allowed for comment to pass from the public and this Board to the DEQ reviewers. He recommended the Tamarack letter go to the DEQ review.

Fred asked how deep the well was. Bob B said it was 450'.

Janet asked how they would address the overlap of the 100' well isolation zone with a drainfield on lot 7. Marc said that would be corrected. Janet asked if it would be possible to see if the eagle management plan people could work with DNRC Fuel Reduction people to redo the wildfire hazard assessment so it would be compatible with the eagle management plan. Marc said it could be redone, but the wildfire assessment by Bob Miller was not a requirement of subdivision review and it was done prior to the eagle management or DNRC. He thought DNRC would supercede Mr. Miller's opinions on this matter. Marc clarified that someone at DNRC had done a wildfire hazard assessment. Their evaluation gave a moderate fire rating, which didn't require conditions. Bob B added that they were just above the low rating. Janet mentioned the fire-wise training that she received in the last 15 years. When you had really steep slopes like this, it became a major issue to be more stringent in your review. Marc agreed this was a legitimate point.

Janet said her concern was that someone was making recommendations that were compatible with the eagle management plan. Maybe they did need some fuel reduction. Marc said there was a lot of thinning done to the project prior to Bob B's acquisition. Janet and Marc agreed that you didn't take out snags, depending on the wildlife purpose. Marc said the management of the open area, which included the bulk of the property, was to be done in concert with forestry and with wildlife biologists. Bob B said with the eagle nesting, they show up sometime around February. October and November would be when you'd see the work done in the open areas. He showed some areas on the map. He showed one that was far enough away that work could be

done year-round if they wanted. If there was not eagle there some year, they could approach FWP and get approval to be allowed to do work. With the thinning, they applied and were told to go on hold.

Public comment opened: None offered—no public present. *Public comment closed.*

Bob K asked what Joel thought about condition #42 and the language. Joel concurred with Marc that maybe it would be better to require that the driveways be designed by a registered engineer licensed in the State of MT or something to that effect. Some of the language that didn't necessarily have to do with driveways would be good, such as the last sentence of #42. Defensible spaces around driveways and homes would be good. Bob K summarized that Joel and Marc would work that out.

Bob K touched on condition # 25. Steve asked if documentation was available with the DNRC report that called the wildfire hazard level moderate. Joel said this was in the packet. The DNRC comment was a rating, not a letter. Bob Miller's was a report with recommendations: things to go in the covenants and things to be done. The DNRC gave a rating, using a form. The final number was at 102, which was the lowest number of moderate risk/moderate priority. Joel wasn't there for the discussions between Marc and Fred Holmes. Fred summarized to leave it there. Marc said Fred Holmes looked at the conditions and walked the site. Marc went along because he was curious how Fred H did ratings. Joel asked if the Miller report was still part of the subdivision application when this was done. Marc affirmed; he thought DNRC superceded it. Joel thought it eliminated the need to specifically address section 4A in the subdivision regulations. He wasn't sure that throwing it out of the subdivision application proposal at this time was appropriate. If there were particular physical fuel reductions that Marc didn't think were appropriate, that might be more appropriately addressed. Marc thought cutting down anything that could be considered screening should be reevaluated. He didn't want this plan to supercede the eagle management plan. They were okay with whatever element of that, which didn't conflict with the eagle management plan. Joel suggested saying something to that effect, such as the physical fuels reduction not addressed by the eagle management plan as screening. Marc thought they were on the same wavelength: as long as it did not conflict with the eagle management plan. Joel, Marc and Bob B discussed some examples.

Janet suggested wording for #25 along the lines of 'prior to final plat approval, a fuel reduction plan shall be developed and coordinated between DNRC and FWP to work within the parameters of the eagle management plan'. Marc said they would accept that. Joel added something about physical fuels reduction. Marc said this was expensive, which was why most people used state or federal programs to help them. The fire plan was written to obtain helpful funding. Joel said the idea of physical fuels reduction prior to final plat approval was to make sure it got done. Marc understood. Bob K asked what if the [funding] program doesn't come up again. Brad checked if it wouldn't work with a commercial program. Marc said if they had the money to do that, they could do that. Steve thought there were programs available for 5 acres or less, which meant the individual homeowners would do it on the individual lots. The problem was the open areas. He suggested the possibility of thinning as a zoning conformance condition. Joel thought that was a lot to research for zoning conformance. Fred commented that no one paid for his fuel

reduction. Marc said he had other developers who were able to take advantage of the [funding program] during the review process.

Bob K understood the desire to move this proposal along. He referred to Fred's earlier suggestion. It seemed cumbersome to him at this point. There was a bunch in here that Marc had ideas about, and he and Joel communicated but not in the report. Condition #25 seemed like a sticky wicket. Marc said they would accept the condition in that case, as it stands, with the provision that it didn't contradict the eagle management plan. Bob K asked for Janet's wording, which she repeated: 'Prior to final plat approval, a fuels reduction plan shall be developed and coordinated between DNRC and FWP to work within the parameters of the eagle management plan'. That plan could include some fuels reduction in critical area, such as the steep slope below these lots. Marc said they would accept that. Bob B pointed out that they had to add the word 'bald' before eagle management program.

Steve said if they granted a variance allowing the reduced curve radii, it would be good to put something in to mitigate the results of allowing the tight curves. Did they have a handle on what kind of speed would be required for a 26' radii? He thought that was the tightest one. When the banking was done, with 2% on each side, and then you lift 2% on the banking, it wouldn't be more than 2%? Bob Gordon said it would be like the interstate curve. Steve observed a problem with the banking was that people see the sharp corner and the ice and slow down so much that they slide off on the inside. They didn't want so much banking that you can go around the corner fast. You want to go around the corner slow. He asked what kind of speed they were talking about, and if it would be reasonable to put up signage for the tight corners. Bob Gordon said he couldn't say offhand what the recommended banking for various speeds was. You had to look at the radius of the curve and tie that in with the speed and the percentage of the banking. Design tables were set up for that. That would be an engineering function. Steve said it would be nice to recognize that it's reasonable to have this 26' radius, and that if you go through those calculations and have a 2% banking, and the calculations come out at 0.5 mph, then 26' radius is way too narrow. If it came out at 5mph or 7mph, that's something reasonable you could put up a sign for. Marc mentioned a computer program of Bryan Long's that could model where vehicles would have to track in order to fit around the curves with different wheelbases. Bryan modeled his work with a 22' fire truck. For the spur road, Marc's radii were 30' because Bryan Long had run a solution at 27'. Bryan also had a 2' wider road surface. They acknowledged that and went 2' wider, and used the super elevation. These items are in his letter. Bob B checked with Steve that he was asking for signs on the sharper curves. Steve thought they needed to show they were taking some action to mitigate the impacts of allowing the variance. Marc said they would accept having extra signage.

Brian asked if there were liability issues for the County if someone slid off the curve. Marc said he had the same conversation with staff on driveways. This was a difficult site, and Marc wanted everything to be signed by a civil engineer. If the County chose to go forward on this, then it would be approved with a civil engineer's professional responsibility involved. He thought they were better off by involving professional engineers and biologists. Joel said the County was liable. That's what the process of subdivision regulations, public review and standards was about. Marc agreed they had ultimate responsibility but contended that if the County accepted engineered stamped reports then that responsibility lay with the engineer who

stamped it. Joel said it depended on what they were stamping. Marc thought for the road design and speed limit calculation that the stamp should stand for something. Bob B added the speed limit was posted. Joel noted the subdivision regulations required a 302' curve radius. What if a 25' curve radius was approved with no mitigation? The applicants said they were proposing mitigation. Joel said one mitigation was proposed. It still didn't comply with the standards. Steve summed that it would still need a variance.

Fred asked if they'd talked about the change in the angle of the road on lots 7 and 8, and the adjustment line to get around the tree for the eagles. He asked also about lots 4, 5 and 6. Marc said each iteration that Bob G did for that spur road involved that eagle's tree. Marc didn't draw a plat for every iteration of the roadway but he would accept a condition that the centerline for the road be the common lot line, and that the lots remain the size that they are. Steve asked if that plan would be tweaked more. Marc said it would be tweaked more to bring the road grade to less than 14%.

Brian asked why the option below the tree was as the primary option submitted instead of the iteration above the tree. Bob G replied there were different alternatives, and showed some to the Board. The amount of land disturbed differed in the different plans. Marc said the grades were steep, and it seemed to have the least amount of impact as far as construction activity. Brian inquired if he didn't think the 19% was excessive. Marc said there were other roads in use at 19%. He thought he'd be asked about multiple plans. Joel recalled a letter and an email that said which scenario was proposed or preferred. Marc apologized for placing the planner in a position that extended beyond the evaluation of the application. Fred asked what would happen with the logging road, where they pushed the dirt off the end that sloughed off. Marc said they would plant trees on it. That was the eagle management screening.

Bob K asked Joel to go through the variances and give the staff response to Marc's response. Joel started on pg. 16 with curve radius for the access road for lots 4 through 6. Steve identified this as variance 2B. Joel repeated the applicant proposal of a centerline curve radius of 36' for this road. The main road had curve radii as small as 26'. The main difference was the former fire chief commented specifically on the main road but not these road designs. There were grades of about 20% in those curves on the plans reviewed. It appeared that the reduced curve radii could be potentially detrimental to health, safety and general welfare of future service providers and the future owners of the lots accessed. He said Marc offered mitigation similar to mitigation offered by the Long Engineer road designs for the main road. The difference was they were now talking 14% grade as opposed to 8% grade. This [evaluation in the staff report] is based on 20% grades through the curves, as proposed with the drawing that was with the application and discussed in the staff report. Now it was moved down to 14%. They are adding an additional 2' width to the road surface, so apparently they're going from 24' wide to 26' wide. Marc clarified this was intended just through the curves. Joel continued with hard-surface road surface, which staff recommended anyway, more signage (both slope warning and reduced speed per engineer recommendations), boulder or guardrail on the outside of curves, and super elevation through the curves. So mitigation measures were being proposed. Marc said by the time the curve was reached, this road served two lots. The main road served the entire division.

Bob K asked how Joel felt about the mitigation. Joel said it wasn't up to him. He made a recommendation based on what was submitted. Additional information had been thrown in since he evaluated the submission. There was still a concern with tight curves and steep grades. Steve asked Joel as a planner, if the grade was reduced from 19% to 14% and there were signage and the road was 2' wider, what would he have recommended? Joel referred to the comment in the staff report that it would have been nice to have the Rollins fire chief comment on the design being proposed. Fred added that the comments should come from the current fire chief, Terry Gore. Steve asked what Terry Gore said in the minutes from the October field trip. Bob B said Terry didn't comment on that road. Joel said on the field trip they weren't talking about the designs under discussion tonight.

Fred reiterated that he would like this to be put on hold until next month, and get things straightened out. There was so much language here to straighten out. Steve asked if putting this on hold was defensible, since the applicants provided more information. Joel outlined that the Commissioners needed to take final action prior to July 9, and they were scheduled to hear it on June 24. The Board had a staff recommendation in front of them based on something that was evaluated. There is new information. The Board could consider that, or not. It could go to the Commissioners. The Commissioners could then require mitigation, which may or may not require it to go back to the Planning Board. Currently there is a review deadline and a Commissioner meeting scheduled. There's a portion of state law that discussed mitigation, and this was why that was created.

Bob K asked if the Board voted to give no recommendation, based on the information they have, because of new information and so on, what did that do? Joel thought that would be like a Planning Board meeting where no one showed up.

Bob K felt somewhat overwhelmed by the amount of stuff that came, and now they had an additional bunch of stuff. Joel noted the Board might not get an additional staff report or evaluation.

Bob B understood that if he asked for a postponement until July, then the burden was off the Board and they didn't put the Commissioners in a spot. Joel added if another postponement or suspension was agreed to. Bob B asked if they asked for a postponement and worked out the details, and this was agreed to, the next time they visited there would be fewer questions that were easily worked out, would that make sense. Speaking for himself, Bob K said the Board was trying to do the right thing here. The applicants had new information. They totally understood that Joel was following regulations. The Board has so much information that Bob felt lost in the details, and the later it got tonight, the more lost he got. He didn't know how the rest of the Board felt. If the rest of the Board wanted to keep going and fight through this, he was here for them. It seemed like this could be cleaned up a bit, and the applicants could give the Board something and say 'This is what we're doing.'

Bob B requested a postponement to July. Joel agreed to that, on behalf of staff. Bob B and Joel agreed this would be another 30 days in the review period, so 30 calendar days from July 9 for a deadline.

Motion made by Fred Mueller, and seconded by Sigurd Jensen, that the 30-day extension be given to the developers. Motion carried, all in favor.

Joel instructed people to keep their packets. They would probably get something like a supplemental memo.

OTHER BUSINESS

The new subdivision regulations were distributed to Board members, effective 7/1/10. Announcements were made.

Motion made by Janet Camel, and seconded by Sigurd Jensen and general accord, to adjourn. Motion carried, all in favor. Meeting adjourned at 10:05 pm.